

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 22-cr-20636
Hon. Matthew F. Leitman

STEVEN HARVEY BISHOP,

Defendant.

/

ORDER UNSEALING DOCKET ENTRY 28 AND
DIRECTING DEFENSE COUNSEL TO RE-FILE
A REDACTED VERSION OF DOCKET ENTRY 34

Docket entries 28 and 34 in this criminal case are, respectively, Defendant's sentencing memorandum and a psychological report submitted by the Defendant in support of his requested sentence. The Court previously permitted Defendant to file both documents under seal. The Court has now received a request from Charles Blackwell, an interested citizen, to unseal those documents. The Court will grant the request as set forth below.

Under the particular circumstances of this case, the public's right to access judicial records outweighs Defendant's legitimate countervailing privacy interests. Most importantly, the sentencing memorandum contains the arguments presented to, and considered by, the Court in connection with the determination of the appropriate sentence, and the report was created for the express purpose of

supporting Defendant's requested sentence. *See United States v. Nallani*, 2016 WL 4138227, *5 (E.D. Mich., Aug. 3, 2016) (declining to seal report from mental health professional that was created to support defendant's requested sentence); moreover, the report does not contain information that goes beyond the matters considered by the Court in connection with sentencing. *See United States v. Banks*, 2022 WL 2679417, *7 (E.D. Mich., July 11, 2022) (sealing portions of medical records submitted by defendant where those records contain information "that goes to issues beyond those the Court considered in deciding" the motion at issue). On the contrary, the report set forth an important basis – if not the primary basis – on which the defendant requested leniency. *United States v. Kishnick*, 2020 WL 3172634 (E.D. Mich., June, 15, 2020) (declining to seal memorandum that referred to defendant's medical information because, among other things, "the information that defendant seeks to seal forms the primary basis for the relief he seeks.") For these reasons, the sentencing memorandum and report should be available for review by the public.

Accordingly, **IT IS HEREBY ORDERED** that the Clerk of the Court shall **UNSEAL** docket entry 28.

IT IS FURTHER ORDERED that Defendant's counsel shall re-file docket entry 34 with the redaction of Defendant's personal identifying information, including his birth date and any other personal identifying information in the report

that is required to be redacted under the governing rules. This re-filing shall not be under seal but shall contain the redaction of personal identifying information as set forth above.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: August 21, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 21, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126